

United States Senate

WASHINGTON, DC 20510

March 8, 2019

Kirstjen Nielsen
Secretary
Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Nielsen,

I write to address stunning reports revealing that U.S. Customs and Border Protection (CBP) has secretly cooperated with Mexican intelligence services to assemble a target watch list of 59 mostly American reporters, legal aid attorneys, and immigrant rights activists for the purpose of harassment, surveillance, and otherwise interfering with their lawful border crossings along the southern United States border. This program undermines our constitutionally protected right to free speech and free press, and must end immediately.

The title of this watch list program, "San Diego Sector Foreign Operations Branch: Migrant Caravan FY-2019 Suspected Organizers, Coordinators, Instigators, and Media," suggests that CBP, along with several other federal law enforcement agencies, is engaged in a secret investigation targeting at least 59 individuals because of their statements, reporting, and other expressions of dissent protected by the First Amendment to the United States Constitution. Taken together, this program appears to be a coordinated effort to intimidate and harass U.S. citizens and foreign nationals who provide assistance to legal migrant asylum seekers.

As a basic principle, all asylum seekers should be treated with extreme care, dignity, and respect at all times while they await a final decision in immigration court. Additionally, the federal government should not treat journalists, attorneys, and advocates as though they are part of a vast criminal conspiracy requiring surprise interrogations, unannounced warrantless searches, or other actions commonly associated with a criminal law enforcement operation. If the Department has legitimate questions for the individuals on this watch list, they should be formally submitted in writing.

I will be leading a congressional delegation visit to Tijuana, Mexico in the coming weeks to further investigate this issue and many others surrounding the Administration's treatment of asylum seekers. In order to effectively carry out my Constitutional oversight responsibilities, I respectfully ask that you answer the following questions by March 15th, 2019.

1. What is the scope and authority for the program known as "Operation Secure Line"?
2. Has DHS informed any of the 59 individuals that they are on a watch list?

3. Were any of the 59 individuals given the opportunity to appeal or otherwise contest their status on the watch list?
4. Did you or any other DHS official express concern about how this program could violate a U.S. citizen's right to free speech?
5. How many people are on this watch list today?
 - a. How many are U.S. citizens?
 - b. How many are primarily reporters?
 - c. How many are primarily immigration attorneys?
 - d. How many are primarily immigrant advocates?
6. Does DHS have plans to expand this list? If so, what additional categories of people could be added in the future?
7. Does CBP or any division of DHS maintain any other target list substantially similar to the "San Diego Sector Foreign Operations Branch: Migrant Caravan FY-2019 Suspected Organizers, Coordinators, Instigators, and Media"?
8. Does DHS consider any of the 59 individuals on this list to pose a bone fide security threat to the United States?

Sincerely,

A handwritten signature in blue ink that reads "Jeffrey A. Merkley". The signature is stylized, with the first name "Jeffrey" and last name "Merkley" being more prominent than the middle initial "A.". There is a horizontal line under the signature.

Jeffrey A. Merkley
United States Senator